

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

United States Courts  
Southern District of Texas  
ENTERED

NOV - 5 2003

Michael N. Milby, Clerk of Court

IN RE ENRON CORPORATION Securities,	§	
Derivative & "ERISA" Litigation	§	MDL Docket No. 1446
	§	

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MARK NEWBY, et al.,	§	
	§	
Plaintiffs,	§	
vs.	§	
	§	Civil Action No. H-01-3624
ENRON CORPORATION., et al.,	§	And Consolidated Cases
	§	
Defendants.	§	

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PAMELA M. TITTLE, on behalf of herself	§	
and a class of persons similarly situated, et al.,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	Civil Action No. H-01-3913
	§	And Consolidated Cases
ENRON CORPORATION, an Oregon	§	
Corporation, et al.,	§	
	§	
Defendants.	§	

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:	§	
ENRON CORP. ET AL.,	§	
	§	CASE NO. 01-16034 (AJG)
Debtors.	§	
	§	Jointly Administered

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ORDER REGARDING MEDIATION

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Now pending before these Courts is the Motion of the Financial Institutions to add certain parties to the Court-ordered mediation before the Honorable William C. Conner, which was heard by a joint telephonic conference on September 26, 2003. For the reasons set forth in the telephonic conference, and pursuant to additional discussions amongst counsel as requested by these Courts on the telephonic conference, and counsel for the plaintiffs in the actions referenced in paragraphs (1) and (2) below (with the exception of plaintiff's counsel in Goode v. Citigroup, Inc., No. H-02-5628 (S.D. Tex.)) having agreed to this form of Order,

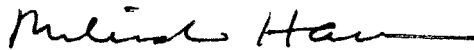
(1) IT IS HEREBY ORDERED that the motion is GRANTED with respect to plaintiffs in the following actions, who are hereby added as participants to the Court-ordered mediation on the dates scheduled by Judge Conner: Goode v. Citigroup, Inc., No. H-02-5628 (S.D. Tex.); CalPERS v. Banc of America Securities LLC, No. H-03-3481 (S.D. Tex.); Okomo v. Banc of America Securities LLC, No. H-03-3508 (S.D. Tex.); and DK Acquisition Partners, L.P. v. J.P. Morgan Chase & Co., H-03-3393 (S.D. Tex.). Any concerns on the part of any party as to the nature of the information shared in the Court-ordered mediation, such as the concerns discussed on the telephonic conference, shall be raised with and resolved by Judge Conner. These cases are being added to the mediation without prejudice to any pending motions to remand; and

(2) IT IS FURTHER ORDERED that the motion is withdrawn as MOOT with respect to the plaintiffs in the following actions, who have agreed voluntarily to participate in the Court-ordered mediation and whose actions Judge Conner has now added to the mediation: OCM Opportunities Fund III, L.P. v. Citigroup, Inc., Case No. BC283342 (Cal. Super. Ct.); Pacific Investment Management Co. v. Citigroup, Inc., Case No. 02CC00300 (Cal. Super. Ct.); AUSA Life Insurance Co. v. Citigroup, Inc., No. LACV 0044263 (Iowa Dist. Ct.); Principal Global Investors LLC v. Citigroup, Inc., Law No. 90942 (Iowa Dist. Ct.); Principal Global Investors LLC v. J.P. Morgan Chase & Co., No. CL 93058

(Iowa Dist. Ct.); Transamerica Financial Life Ins. Co. v. Merrill Lynch & Co., No. C03-107LRR (N.D. Iowa); and

(3) IT IS FURTHER ORDERED that the motion is DENIED insofar as it requests an order automatically adding plaintiff(s) in any action in which one or more of the Financial Institutions (or their affiliates) are named as defendants to the Court-ordered mediation upon final transfer of such action to the Southern District of Texas through MDL 1446, or removal of the case from Texas state court to the Southern District of Texas, and coordination or consolidation of such action with Newby. Instead, any party seeking to add another party to the mediation shall do so by making a motion to these Courts after providing notice to the party sought to be added.

SO ORDERED and signed at Houston, Texas, and New York, New York, this 1<sup>st</sup> day of November, 2003:



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

ARTHUR J. GONZALEZ  
UNITED STATES BANKRUPTCY JUDGE

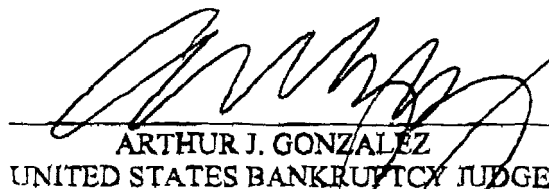
(Iowa Dist. Ct.); Transamerica Financial Life Ins. Co. v. Merrill Lynch & Co., No. C03-107LRR (N.D. Iowa); and

(3) IT IS FURTHER ORDERED that the motion is DENIED insofar as it requests an order automatically adding plaintiff(s) in any action in which one or more of the Financial Institutions (or their affiliates) are named as defendants to the Court-ordered mediation upon final transfer of such action to the Southern District of Texas through MDL 1446, or removal of the case from Texas state court to the Southern District of Texas, and coordination or consolidation of such action with Newby. Instead, any party seeking to add another party to the mediation shall do so by making a motion to these Courts after providing notice to the party sought to be added.

SO ORDERED and signed at Houston, Texas, and New York, New York, this 1st day of November, 2003:



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE



ARTHUR J. GONZALEZ  
UNITED STATES BANKRUPTCY JUDGE